

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Beachside Produce, LLC, et al.,

NO. C 06-04957 JW

Plaintiffs,

**ORDER TO SHOW CAUSE RE:
DISMISSAL**

v.

Flemming Enterprises, LLC, et al.,

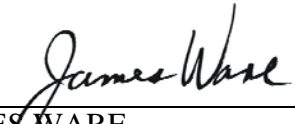
Defendants.

On March 26, 2007, the Court conducted a hearing on Plaintiffs' Motion for Default Judgment. Neither Plaintiffs nor their counsel of record appeared. David Kraft of The Victorian Law Offices in San Jose appeared in lieu of Plaintiffs' counsel, Lewis Janowsky and Marion Quesenbery of Rynn & Janowsky. The Court raised issues during the hearing which remain unresolved.

The Court hereby orders Plaintiff Pappas' counsel of record to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **May 21, 2007 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten days prior to appearance date, why said case should not be dismissed as to Plaintiff Pappas for counsel's failure to attend the March 26 hearing and for improper joinder of plaintiffs in violation of Federal Rule of Civil Procedure 20(a). The certificate shall set forth in factual summary the reason no appearance was made and what steps the party is taking to pursue the action and the expected future course of the case. If Plaintiff Pappas' counsel fails to file the certification, the May 21 hearing will be vacated automatically and the case will be dismissed as to Pappas.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action as to Pappas.

Dated: May 4, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Lewis P. Janowsky rj@rjlaw.com
3 Marion I Quesenbery marion@rjlaw.com

4 **Dated: May 4, 2007**

Richard W. Wieking, Clerk

5 **By: /s/ JW Chambers**
6 **Elizabeth Garcia**
7 **Courtroom Deputy**